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			3714	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/927,742

Applicant(s)

KAMINKOW, JOSEPH E.

Examiner

Travis R. Banta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 and 104 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration:
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 and 104 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/14/05, 12/27/05, 2/13/06, 11/20/06.

DETAILED ACTION

Information Disclosure Statement

Information Disclosure Statements have been received on 10/14/05, 12/27/05, 2/13/06, and 11/20/06. These Disclosure Statements have been initialed and included herein. The "Other Documents" in the Information Disclosure Statement of 11/20/06 have not been considered as Official Actions are already part of the record in the related case.

Response to Amendment

The petition and amendment filed on 6/10/2004 have been received. The finality of the last action has been withdrawn and will be treated as a non-final action. The response to the amendment is set forth below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22, 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US Patent Number 6,379,247) and Cumbers (US Patent Number 6,142,876) and further in view of Kelly et al. (US Patent Number 5,816,918).

Claims 1, 14: Walker teaches a method for awarding player-tracking points to patrons of a gaming establishment. (Abstract & Title) The dealer determines when the patron has begun an activity for which player tracking points/comps are accrued and accrues the points to the player without initiating a player tracking session or receiving identification information or account information from the player. (Fig 10a) The player is awarded the accrued points. (Fig 10b, 1038) Points are awarded for an entertainment purchase (i.e., for gaming activity) and are thus combinable with loyalty points earned from playing a game of chance at the gaming establishment. Walker teaches automatically accruing tracking points for a patron (see column 4 lines 31-38).

Walker does not teach implementing the system in a mechanism or automatically determining that the patron has begun an activity for which player-tracking points accrue. Cumbers teaches implementing the system in a mechanism (i.e., a slot machine) and automatically determining that the patron has begun an activity for which player-tracking points accrue. (Abstract)

Slot machines are among the more popular games in any casino. They are also among the most profitable. One reason that they are so profitable is because they do not require excessive dealer intervention. It would have been obvious to one of ordinary skill in the art to have implemented Walker's system on slot machines as suggested by Cumbers and automatically determining that the patron has begun an activity for which player-tracking points accrue in order to take advantage of the tremendous popularity of slot machines while maintaining the high levels of profits that accrue because the slot machines do not require excessive dealer intervention.

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Walker and Cumbers do not teach awarding a player with points without receiving identification information from a player though the devices are capable to do so. In an analogous device, Kelly et al teach the use of tickets, vouchers, or other valuable objects (see column 8:32-37) as a way to award a player without receiving identification from the player. Tickets and vouchers are player tracking points in that tickets and vouchers are numbered as is well known to those skilled in the art, so a gaming establishment can verify the origin of the tickets or vouchers, and award players with prizes. One of ordinary skill in the art would recognize that Kelly's et al.'s use of tickets not only allows for players to win awards without tracking but does so in a manner that allows the players to still play in the event that there are malfunctions with the player tracking system of Walker and Cumbers. Therefore, one of ordinary skill in the art at the time of the invention would be motivated to combine Kelly et al. with Walker and Cumbers and applied above to institute a back up system that would allow players to continue gaming in the event there was a electrical or mechanical malfunction with the imaging or tracking card mechanisms.

One of ordinary skill in the art would also recognize that combining the facial recognition of Cumbers and the player tracking system described by Walker with the reward system described by Kelly et al. would allow the casino to track players who were not willing to sign up for a player's account and reward them for their play as well. One of ordinary skill in the art would be motivated to combine these systems to reward players who did not have an electronic account because they were unwilling to sign up for an account as a way to entice players to participate in the player tracking program

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willingly and thus increase valuable data collected by the casino and casino profits:

Claims 2, 16: Walker teaches that the gaming establishment is a casino. (Title)

Claims 3, 17: Walker teaches that the gaming entity has a plurality of venues - i.e., gaming tables (112).

Claims 4, 18: Walker teaches the invention substantially as claimed, but does not teach applying the system to gaming machines. Cumbers, another system for awarding comps without direct player input, teaches awarding comps for play on gaming machines. Casinos have many patrons who play gaming machines. Of these, many play only at the gaming machines. Gaming machines are a source of tremendous profit for the casino. Casinos have found that awarding comps to players increases the likelihood that the player will return to the casino to gamble in the future. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Walker to award player tracking points to patrons who play gaming machines, as suggested by Cumbers, in order to increase the likelihood that the player will return to the casino to gamble in the future, thus ensuring future profits.

Claims 5, 19: Walker teaches that the player may receive player tracking points for playing "blackjack, craps, roulette, poker, and the like." (Col 3, 50-52) These are games of chance.

Claims 6, 26, 27: Walker's Fig 10a shows that the player tracking points begin accruing without receiving player tracking information or a player tracking card from the player.

Claim 7: Walker teaches that the player has a player tracking account with the gaming establishment. (Fig 9)

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Claims 8, 28, 29: Walker teaches that the patron has a player tracking account with the casino. (Fig 9) The player tracking points may be awarded to the patron anonymously, without crediting the player tracking account. (Col 8, 18-20)

Claims 9, 30: In one of Walker's embodiments, the player is awarded frequent flyer miles without reference to the player account. (Col 10, 23-33) The player merely informs the casino which frequent flyer account (as opposed to casino player tracking account) the frequent flyer miles should be assigned to. (Col 10, 31-33) Frequent flyer miles can be considered to be "comps".

Claim 10: Walker's player tracking points are stored on a loyalty program instrument. (Fig 10b, 1036)

Claims 11, 31: Walker teaches crediting the player tracking points stored on the loyalty program instrument to a player tracking account of the patron. (Col 12, 5-20 & 55-67)

Claims 12, 33: Walker teaches that the loyalty point instrument is a printed ticket. (Col 5, 28-32)

Claims 13, 21, 22: Walker teaches that the activity for which player-tracking points accrue (playing a gambling game) occurs in a venue within, and therefore, affiliated with, the gaming establishment - i.e. gaming table (112).

Claim 15: Walker teaches a method for awarding player-tracking points to patrons of a gaming establishment. (Abstract & Title) The dealer determines when the patron has begun an activity for which player tracking points/comps are accrued and accrues the points to the player without the player initiating a player tracking session. (Fig 10a) The player is awarded the accrued points (Fig 10b, 1038) that are issued to the player. (Fig

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10b, 1036, 1038) Fig 10a shows that the player tracking points accrue without receiving player tracking information (identification information, account information, or a combination thereof) from the player.

Walker and Cumbers do not teach awarding a player with points without receiving identification information from a player though the devices are capable to do so. In an analogous device, Kelly et al teach the use of tickets, vouchers, or other valuable objects (see column 8:32-37) as a way to award a player without receiving identification from the player. Tickets and vouchers are player tracking points in that tickets and vouchers are numbered as is well known to those skilled in the art, so a gaming establishment can verify the origin of the tickets or vouchers, and award players with prizes. One of ordinary skill in the art would recognize that Kelly's et al.'s use of tickets not only allows for players to win awards without tracking but does so in a manner that allows the players to still play in the event that there are malfunctions with the player tracking system of Walker and Cumbers. Therefore, one of ordinary skill in the art at the time of the invention would be motivated to combine Kelly et al. with Walker and Cumbers and applied above to institute a back up system that would allow players to continue gaming in the event there was a electrical or mechanical malfunction with the imaging or tracking card mechanisms.

One of ordinary skill in the art would also recognize that combining the facial recognition of Cumbers and the player tracking system described by Walker with the reward system described by Kelly et al. would allow the casino to track players who were not willing to sign up for a player's account and reward them for their play as well. One of ordinary

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skill in the art would be motivated to combine these systems to reward players who did not have an electronic account because they were unwilling to sign up for an account as a way to entice players to participate in the player tracking program willingly and thus increase valuable data collected by the casino and casino profits.

Claim 20: Walker teaches that the activity for which a patron may receive player-tracking points is an entertainment purchase - i.e., gambling. Gambling is entertainment.

Claim 24: Walker teaches that the loyalty points stored on the loyalty instrument are redeemable for comps. (Col 12, 55-67)

Claim 25: Walker teaches that the rate at which the patron accrues loyalty points varies according to the amount wagered. (Col 4, 39-65)

Claims 32, 35: Walker teaches that the loyalty points are credited to the patron's player tracking account or redeemed for comps using a cashier station. (Col 3, 59-62)

Claim 34: Walker teaches that the loyalty program instrument is designed to store a validation number. (Fig 10b, 1112)

Claims 36-41, 44-46, 47-53 & 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US Patent Number 6,379,247) and Cumbers (US Patent Number 6,142,876)

Claim 36: Walker teaches detecting a first game event initiated by the game player (a bet) and accruing loyalty points in response thereto. (Col 2, 63-65) Walker teaches determining a second gaming event - player decides to stop playing. (Fig 10a, 1022)

The system determines the total number of loyalty points that have accrued to the game player and issues the player a loyalty point instrument designed to store the awarded

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loyalty points. (Figs 10 a & b) The system issues loyalty points without receiving identification from the game player.

Walker does not teach applying the system to gaming machines. Cumbers, another system for awarding comps without direct player input, teaches awarding comps for play on gaming machines. Casinos have many patrons who play gaming machines. Of these, many play only at the gaming machines. Gaming machines are a source of tremendous profit for the casino. Casinos have found that awarding comps to players increases the likelihood that the player will return to the casino to gamble in the future. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Walker to award player tracking points to patrons who play gaming machines, as suggested by Cumbers, in order to increase the likelihood that the player will return to the casino to gamble in the future, thus ensuring future profits.

Claims 37, 40: The loyalty program instrument is designed to store a validation number.

This is information. (Fig 10b, 11,12)

Claim 38: Walker teaches that the loyalty point instrument is a printed ticket. (Col 5, 28-32)

Claim 39: Walker teaches that the first event is placing a wager. This is analogous to depositing indicia of credit into a gaming machine.

Claim 41: Walker teaches issuing a loyalty program instrument when the player decides to leave the game. (Fig 10a, 1022) This is analogous to detecting a player request for a loyalty program instrument or detecting zero credits.

Claim 44: Walker teaches displaying the amount of loyalty points to the game player.

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(Fig 10a, 1018)

Claims 45 & 46: Walker teaches storing loyalty point transaction information on a memory device (416) located at the gaming table. The gaming table is analogous to the gaming machine. The device is on, but not inside the gaming table. (Fig 3)

Claim 47: Walker and Cumbers teach the invention substantially as claimed. Both Walker and Cumbers disclose that the comps may take many forms, but neither teaches the details of redeeming comps in forms other than as frequent flyer miles. Kelley teaches a prize redemption system that displays a prize menu including one or more prizes redeemable for an amount of loyalty points. (Fig 6, 334) The system then receives a prize selection selected from the prize menu. (336) If the patron has enough loyalty points for the selected prize, the system issues a loyalty program instrument used to redeem the selected prize. (337) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention suggested by Walker and Cumbers to include a prize menu from which a player may choose a prize and issue a loyalty program instrument redeemable for that prize (providing the player has enough loyalty points to purchase the prize) as suggested by Kelly in order to implement Walker's and Cumbers' disclosure that comps may be redeemed for a number of goods and services.

Claim 48: Walker's Fig 10a clearly discloses that game play sequences for one or more games may be presented between the first and second gaming events.

Claim 49: Walker teaches that the player may receive player tracking points for playing "blackjack, craps, roulette, poker, and the like." (Col 3, 50-52) These are games of

chance. The video versions of these games are notoriously well known.

Claim 50: The rate at which the patron accrues loyalty points varies according to the amount wagered. (Col 4, 39-65)

Claims 61, 52: Fig 10a shows that the player tracking points begin accruing without receiving player tracking information or a player-tracking card from the player.

Claim 53: Walker teaches issuing a loyalty program instrument (i.e., a receipt). (Fig 10b, 1038) This is performing a loyalty program instrument transaction.

Claim 55: Walker teaches that the accrued loyalty points are determined by a logic device (Fig 4, 410) located on the gaming table. This is analogous to being located on the gaming machine.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker and Cumbers as applied to claim 22 above, and further in view of Boushy (US Patent Number 5,761,647).

Claim 23: Walker and Cumbers teach the invention substantially as claimed. Walker and Cumber do not teach communication between venues and the gaming establishment via the Internet. Boushy teaches a national customer recognition system in which various gaming venues communicate with a gaming establishment via a Wide Area Network (102). The Internet is a well-known Wide Area Network. Linking several venues via a Wide Area Network allows players to accumulate points at affiliated casino properties. This encourages patrons to visit affiliated casinos as they travel about the world. This translates to higher profits within a family of casinos. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the

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invention suggested by Walker and Cumbers to include communication between venues and the gaming establishment via the Internet as suggested by Boushy in order to create a national customer recognition that allows players to accumulate points at affiliated casino properties thus encouraging patrons to visit affiliated casinos as they travel about the world and generating to higher profits within a family of casinos.

Claims 42, 43, 54, 56, & 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker and Cumbers as applied to claim 36 above, and further in view of Burns et al. (US Patent Number 6,048,269).

Claim 42: Walker and Cumbers teach the invention substantially as claimed. Walker teaches determining the amount of loyalty points stored on a first loyalty point instrument and validating the first loyalty point instrument. When the first loyalty point instrument has been validated, the loyalty points stored thereon are added to an amount of loyalty points awarded to the game player. (Fig 11) Walker, however, teaches that the redemption/validation process occurs at a cashier station instead of at a gaming machine. Burns teaches reading tickets that are analogous to the loyalty point instrument at the gaming machine. This provides greater convenience to the player by allowing the player to redeem the loyalty point instruments at more locations. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention suggested by Walker and Cumbers to allow players to redeem/validate loyalty point instruments at a gaming machine as suggested by Burns in order to provide greater convenience to the player.

Claim 43: Walker and Cumbers teach the invention substantially as claimed. Walker,

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however, teaches the loyalty point instruments are input by the cashier. Burns teaches a ticket reader (206). Having a ticket reader handle the input instead of a cashier reduces costs to the casino because they do not have to have as many employees. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention suggested by Walker and Cumbers to have the loyalty point instrument input using a ticket reader as suggested by Burns in order to reduce the number of employees a casino needed, thus reducing costs.

Claim 54: Walker and Cumbers teach the invention substantially as claimed, but do not specifically teach redeeming the comps earned for plays on the gaming machine. Burns teaches redeeming free play tickets (Fig 3) for a particular game. (Col 5, 46-65) Free play on a gaming machine is often given as comps. This allows the casino to give the player a loyalty award that keeps the player gambling. This boosts casino profits. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention suggested by Walker and Cumbers allow the loyalty program instrument to be redeemed for play on a gaming machine as suggested by Burns in order to keep players gambling, thus increasing casino profits.

Claim 56: Walker and Cumbers teach the invention substantially as claimed, but do not teach configuring the game machines to communicate loyalty program information to a second gaming machine. Walker teaches issuing a ticket with loyalty program information. Burns teaches that the tickets issued by a gaming machine can be used to communicate with other gaming machines. Allowing players to use tickets issued by one gaming machine on another gaming machine encourages a player to continue

gambling. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention suggested by Walker and Cumbers by configuring the game machines to communicate loyalty program information to a second gaming machine as suggested by Bums in order to encourage the players to continue gambling, thus increasing casino profits.

Claim 57: It is well known for players to play two different gaming machines simultaneously. Obviously, the player would accrue loyalty points on both machines. Walker teaches issuing a single ticket representing the combined loyalty points awarded in a number of games. (Figs 10a & b) Walker also teaches that the player may receive a number of receipts, each representing an amount of loyalty points awarded. (Col 12, 15-20) Walker teaches communicating the number of loyalty points awarded to a central location (the cashier's terminal) where they are combined. (Figs 11 - 12)

Walker and Cumbers teach the invention substantially as claimed, but do not teach configuring the game machines to communicate loyalty program information to a second gaming machine or printing a combined loyalty program instrument from the second gaming machine. Walker teaches issuing a ticket with loyalty program information. Bums teaches that the tickets issued by a gaming machine can be used to communicate with other gaming machines. Allowing players to use tickets issued by one gaming machine on another gaming machine encourages a player to continue gambling. When the player is finished with the second gaming machine, it prints out a single consolidated ticket. This increases player convenience because the player only has to keep up with one ticket. It would have been obvious to one of ordinary skill in the

art at the time of the invention to have configured the game machines to communicate loyalty program information to a second gaming machine in order to encourage the players to continue gambling, thus increasing casino profits. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention suggested by Walker and Cumbers to print out a single consolidated loyalty program instrument in order to increased player convenience by reducing the number of tickers the player would have to keep up with.

Claim 104: Walker teaches accruing player tracking points without initiating a player tracking session.

Response to Arguments

Applicant's arguments filed 6/10/2004 have been fully considered but they are not persuasive. With respect to claims 1-35, the arguments regarding these claims are moot in light of the new ground rejection necessitated by the Applicant's amendment.

As the rejections of claims 36-57 and 104 have been maintained, the Examiner will respond to the arguments made for these claims. The arguments for these claims center basically on the combination of Walker and Cumbers. Specifically the applicant argues that traditional player tracking methods do not award points to a player unless identification information or account information is first received by the player tracking system. With respect to independent claim 36 and its dependents, anonymity of the player is all that is required to meet the limitations of the claim. Cumbers teaches a facial recognition system that identifies players by their visage. Cumbers does not require an identification account as it is also designed to recognize new players and

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catch cheaters. In fact, special provision is made to anonymous players with points accrued before they had an identification account (see 2:45-61). A cheater certainly would not want to be recognized by the casino and would be strongly disinclined to open an identification account. He would therefore accrue points while anonymous. This is inconsequential in that Cumbers specifically teaches awarding points to anonymous players in column 2 lines 45-61.

The Applicant has also alleged that Cumbers specifically requires that identification information be provided prior to the award of player tracking points and the combination as proposed by the Examiner does not allow Cumbers to function in its intended purpose. The Examiner respectfully disagrees. Column 2 lines 45-61 of Cumbers specifically state that a player is awarded accrued points based on previous anonymous activity. The combination as made by the Examiner allows the gaming establishment to track and award players without a previously created identification account. This meets the limitations of the rejected claims.

The Applicant has requested that the Examiner point to a teaching in Cumbers that suggests applying the method of Walker on a slot machine. While the Examiner feels this unnecessary due to the fact that Walker and Cumbers are so clearly closely related and analogous art, Cumbers column 4 lines 9-19 teach that Cumbers can be applied to table games as well as slot machines. Indeed references cited in Walker have many slot machine player tracking systems used as art in the prosecution of the Walker patent. Moreover, both slot machines and tables are likely to be run by a gaming entity in approximately the same area. A gaming entity would want to monitor

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the entire gaming area regardless of what type of games were being played.

Respectfully, there is suggestion explicitly stated in Cumbers to combine with a gaming table and there is significant knowledge known by those skilled in the art that it is well known to apply the same player tracking devices to slot machines and tables.

The Applicant has argued that a motivation to combine Walker and Cumbers as stated by the Examiner is insufficient because Walker will not necessarily lead to higher profits for a gaming entity when applied to a gaming machine. The applicant alleges that since casino profits are used to pay loyalty rewards to players, and there is no guarantee of loyalty by the player, the casino may lose money. The Examiner will agree that it is possible that a Casino could lose money on such a loyalty reward system. However, this has already been considered by Cumbers because Cumbers will award loyalty points to a player despite the player's anonymity (see column 2 lines 45-61). Cumbers finds this an acceptable risk because the loyalty potential and profits there earned are sufficient to risk the possible loss. Since it is fair to assume the Cumbers is willing to risk profits by providing points to anonymous players, there is some expectation for increased profits on the part of the Cumbers. This is an example of a well known risk-return scenario. Increased profits as stated by the Examiner as a motivation to combine Walker and Cumbers, respectfully, is sufficient motivation. The Examiner believes the skill of an ordinary artisan provides sufficient teaching that increased profits is a satisfactory motivation for a system of awarding points to an anonymous player.

The Applicant has alleged that the combinations of Walker, Cumbers, and Boushy, Walker, Cumbers, and Burns, and Walker, Cumbers and Kelly do not render the invention obvious because the references above teach away from the instant invention and there is not proper motivation to combine Walker and Cumbers. The Examiner believes the motivation to combine Walker and Cumbers properly explained and argued. The applicant has stated Cumbers, Boushy, Burns, and Kelly respectively teach away from the present invention but has offered no evidence to support these assertions. These patents are all analogous art as they are all drawn to people tracking systems and methods. The argument with respect to the combination of Walker, Cumbers, and Kelly is proper and is cited herein as there is motivation to combine the references as taught. The rejections with respect to Walker, Cumbers, and Boushy and Walker, Cumbers, and Burns are respectfully maintained.

Conclusion

Since the previous action was made non-final, and Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action and unamended claims were rejected a second time based on the same grounds of rejection, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Banta whose telephone number is (571) 272-1615. The examiner can normally be reached on Monday-Friday 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB

Ronald Aneau
Primary Examiner
3/17/07

